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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC
and for the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

1776 K STREET ASSOCIATES LIMITED
PARTNERSHIP, a Virginia limited partnership,
BERNARD S. GEWIRZ, EDWARD H. KAPLAN,
ESTATE OF ROBERT H. SMITH, ROBERT H.
SMITH REVOCABLE TRUST, ELEVENTH
AMENDMENT AND RESTATEMENT, AND

Adv. Pro. No. 10-05027 (SMB)

SUCCESSOR TRUSTS, Virginia trusts, CLARICE R. SMITH, as personal representative, as trustee, and as an individual, and ROBERT P. KOGOD, as personal representative,

Defendants.

**STIPULATION AND ORDER FOR
VOLUNTARY DISMISSAL OF ADVERSARY PROCEEDING WITH PREJUDICE**

Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa, *et seq.* (“SIPA”), and the substantively consolidated estate of Bernard L. Madoff individually (“Madoff”), by and through his counsel, Baker & Hostetler LLP, and defendants 1776 K Street Associates Limited Partnership, Bernard S. Gewirz, Edward H. Kaplan, Estate Of Robert H. Smith, Robert H. Smith Revocable Trust, Eleventh Amendment And Restatement, And Successor Trusts, Clarice R. Smith, as personal representative, as trustee, and as an individual, and Robert P. Kogod, as personal representative (“Defendants”), by and through their counsel, Arent Fox LLP (collectively, the “Parties”), hereby stipulate and agree to the following:

1. On December 2, 2010, the Trustee filed the Complaint against Defendants. Trustee filed an Amended Complaint on February 22, 2012.
2. On August 17, 2015, Defendants served an Answer to the Amended Complaint on the Trustee.
3. On October 31, 2016, the Parties entered into a settlement agreement pursuant to the Settlement Procedures Order, entered by this Court on November 12, 2010 [ECF. No. 3181].
4. In accordance with Federal Rule of Bankruptcy Procedure 7041(a)(1)(ii), and Federal Rule of Civil Procedure 41(a)(1), the Parties hereby stipulate to a dismissal of the

Trustee's claims against Defendants in the above-captioned adversary proceeding and dismissal of the adversary proceeding with prejudice.

5. The provisions of this Stipulation shall be binding upon and shall inure to the benefit of the Parties and their respective successors and assigns and upon all creditors and parties of interest.

6. This Stipulation may be signed by the Parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: November 10, 2016
New York, New York

BAKER & HOSTETLER LLP

Of Counsel:

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Attorneys for Defendants

SO ORDERED

Dated: November 10th, 2016
New York, New York

/s/ STUART M. BERNSTEIN
HON. STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY JUDGE